

REMARKS

In the Office Action mailed October 18, 2005, the Examiner rejected claims 1-11 under 35 U.S.C. § 103(a) and did not consider claim 12. This reply amends claims 1, 6, and 9. Thus, claims 1-12 are pending and claims 1-11 are under consideration.

Response to § 103 Rejections

The Examiner rejected claims 1, 2, and 5-11 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,584,466 ("Serbinis") in view of the article titled "XML: Not a Silver Bullet, But a Great Pipe Wrench" ("Usdin"). The Examiner also rejected claims 3 and 4 under 35 U.S.C. § 103(a) as unpatentable over Serbinis in view of Usdin and further in view of U.S. Patent No. 5,893,114 ("Hashimoto"). These rejections are respectfully traversed.

Claim 1 recites "a plurality of documents ... together forming a hierarchical structure comprising an upper hierarchy layer and a lower hierarchy layer ... where document files, each containing a document, in the lower hierarchy are referenced above in the upper hierarchy layer" (claim 1, lines 2-6). The prior art cited by the Examiner does not teach or suggest this feature.

Serbinis does not teach storing documents in two layers, an upper layer and a lower layer. The most relevant portion of Serbinis is Fig. 3 and its description in column 7, lines 16-62. In Fig. 3, the only objects described as referring directly to documents are the document instances 73A-73C. Each document instance has merely "a reference to the document" (column 7, line 34) and is not itself an actual document. None of the other objects shown in Fig. 3 are actual documents or uniquely correspond to a document. "Document objects 72A and 72B represent a generalized high level description of a document, and consist of a document name" (column 7, lines 28-30, emphasis added). From this statement, it is apparent that there must be at least one unillustrated document instance corresponding to document object 72B. The document group object 70 clearly does not correspond to a single document. Finally, each "document version instance 74A and 74B includes a reference to the parent and child document instance, a version name and a unique version ID" (column 7, lines 46-48) and thus, provides a link between document instances, rather than directly corresponding to a document. Evidently the system taught by Serbinis stores actual documents separately in the DMS system (see, column 7, lines 53-54).

In section (a)(i) on page 3 of the Office Action, it was asserted that "*Fig. 3 and the associated text*" (emphasis in Office Action) discloses "documents that are files together forming a

hierarchical structure comprising an upper hierarchy layer and a lower hierarchy layer" (claim 1, lines 3-4). However, as previously explained, the discussion in Serbinis at column 7, lines 16-62, and particularly lines 28-30 and 42-49, states that document object 72A corresponds to multiple documents, while document version instances 74A and 74B each contain pointers to two of the document instances 73A-73C and are not themselves documents. Although objects 74A and 74B might contain information about the document instances 73A-73C, objects 74A and 74B do not themselves correspond to files "containing a document" because they only contain pointers to other objects that in turn point to documents. The distinction is significant, because the present invention relates to hierarchically arranging the documents themselves, i.e., "the hierarchical structure ... indicating a relation between a document in the upper hierarchy layer and a document in the lower hierarchy layer" (claim 1, lines 9-10), while Serbinis relates to a system of hierarchically arranged pointers, where only the document instances 73A-73C appear to have a one-to-one correspondence to documents. Thus, the documents correspond to the single layer formed by the document instances 73A-73C.

Regarding Usdin and Hashimoto, nothing has been cited or found in Usdin or Hashimoto that suggests modifying Serbinis to overcome the deficiencies discussed above. Therefore, claim 1 is patentable over any combination of Serbinis, Usdin, or Hashimoto.

Claims 6 and 9 are patentable over the prior art cited by the Examiner at least because claims 6 and 9 each contain a feature similar to the feature of claim 1 discussed above. Claims 2-5, 7, 8, 10, and 11 are patentable over the prior art cited by the Examiner at least because they depend upon an allowable base claim.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 09/472,062

If there are any additional fees associated with the filing of this reply, please charge them to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 3/20/06

By: Richard A. Gollhofer

Richard A. Gollhofer
Registration No. 31,106

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Facsimile: (202) 434-1501